

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI v STEVEN DALE PENDERGRASS

Docket No. 260633

LC No. 03-406886-FC

Brian K. Zahra
Presiding Judge

Joel P. Hoekstra

Donald S. Owens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The Court further orders that the motion to file a supplemental brief is GRANTED and the supplemental brief filed with the motion is accepted.

On the Court's own motion, the matter is remanded to the trial court so that the trial court may conduct an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973). The evidentiary hearing should address the claims of ineffective assistance of counsel raised by defendant in his appeal now pending before this Court.

The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order. Appellant must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

This Court retains jurisdiction in the cause.


Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 28 2006

Date


Chief Clerk